

ESTTA Tracking number: **ESTTA195181**

Filing date: **02/27/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	ATI Technologies ULC
Granted to Date of previous extension	02/27/2008
Address	700 2nd Street SW, Suite 1200 Calgary, AB T2P 4V5 CANADA
Attorney information	Belinda J. Scrimenti Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 South Wacker Drive, Suite 5000 Chicago, IL 60606 UNITED STATES bjs@pattishall.com, rig@pattishall.com, and@pattishall.com

Applicant Information

Application No	78136454	Publication date	10/30/2007
Opposition Filing Date	02/27/2008	Opposition Period Ends	02/27/2008
Applicant	Billings, Roger E. PO Box 94 Gallatin, MO 64640 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 2000/11/13 First Use In Commerce: 2000/11/13

All goods and services in the class are opposed, namely: Safety, convenience, and entertainment products for the home and office, namely, computerized time clock with fingerprint recognition, electronic door locks, computerized control and monitoring panels; closed circuit digital video surveillance equipment; namely, wireless and wired digital video cameras, computer software for digital video recording and monitoring; home theater products, namely LCD (liquid display), Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; fire detectors; smoke detectors; audible and visual burglar and anti-intrusion alarms; fire extinguishers; intruder detection devices, namely, motion detectors; personal computers; Ethernet switches; network based intruder, fire and flood warnings systems with Internet interface composed primarily of motion detectors and alarms, infrared cameras, computer hardware and software, and intelligent home control and safety systems composed primarily of safety alarms, automatic fire sprinklers, touch screen panels, remote and manual door and window locks, emergency lighting devices, voice remote and manual activation control devices

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	2357902	Application Date	11/11/1996
Registration Date	06/13/2000	Foreign Priority Date	NONE
Word Mark	FIRE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1992/03/10 First Use In Commerce: 1992/03/10 graphics boards for computers		

Attachments	75195550#TMSN.gif (1 page)(bytes) FIREANGEL Notice of Opposition.pdf (4 pages)(30730 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/Andrew N. Downer/
Name	Andrew N. Downer
Date	02/27/2008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 78/136,454: FIREANGEL
Published in the *Official Gazette* of October 30, 2007, in International Class 9

ATI TECHNOLOGIES ULC,)	
)	
Opposer,)	
)	
v.)	Oppn. No. _____
)	
ROGER E. BILLINGS,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

ATI Technologies ULC ("ATI"), an Alberta, Canada Unlimited Liability Corporation located and doing business at 700 2nd Street SW, Suite 1200, Calgary, Alberta, T2P 4V5, Canada (formerly located at 421 7 Avenue SW, Calgary, Alberta T2P 4K9, Canada), believes it will be damaged by registration of the mark shown in Application Serial No. 78/136,454, and hereby opposes the same. ATI and its predecessors in interest are hereinafter referred to as "Opposer."

The grounds for the opposition are as follows:

1. Since at least as early as 1992, Opposer has manufactured, distributed, advertised and sold graphics boards for computers, and related software for use with computer applications with high-end visual graphics and video under the trademark FIRE.

2. Opposer has registered the mark FIRE in the United States Patent and Trademark Office ("USPTO"), Reg. No. 2,357,902, registered on June 13, 2000, for "graphics boards for computers." That registration has become incontestable in accordance with 15 U.S.C. §§ 1064 and 1115(b).

3. Opposer's computer hardware and software sold under its FIRE mark is used for and promoted in connection with a wide variety of computer products and computing applications.

4. Opposer has sold hundreds of thousands of dollars worth of products and services under its FIRE mark throughout the United States and has spent substantial sums of money advertising and promoting its FIRE mark throughout the United States.

5. By virtue of these extensive sales, advertising and promotions, Opposer now owns valuable goodwill symbolized by its FIRE mark.

6. On June 18, 2002, Applicant filed a use-based application to register the mark FIREANGEL for:

Safety, convenience, and entertainment products for the home and office, namely, computerized time clock with fingerprint recognition, electronic door locks, computerized control and monitoring panels; closed circuit digital video surveillance equipment; namely, wireless and wired digital video cameras, computer software for digital video recording and monitoring; home theater products, namely LCD (liquid display), Home and office automation systems comprising wireless and wired controllers, controlled devices, and software for lighting, HVAC, security, safety and other home and office monitoring and control applications; fire detectors; smoke detectors; audible and visual burglar and anti-intrusion alarms; fire extinguishers; intruder detection devices, namely, motion detectors; personal computers; Ethernet switches; network based intruder, fire and flood warnings systems with Internet interface composed primarily of motion detectors and alarms, infrared cameras, computer hardware and software, and intelligent home control and safety systems composed primarily of safety alarms, automatic fire sprinklers, touch screen panels, remote and manual door and window locks, emergency lighting devices, voice remote and manual activation control devices.

7. Upon information and belief, Applicant had no basis for claiming rights in FIREANGEL for use in connection with the identified goods prior to November 13, 2000, the date of first use claimed in the application.

8. Applicant's use of and application to register the mark FIREANGEL is without Opposer's consent.

9. Applicant's use of FIREANGEL is likely to result in confusion, mistake or deception with Opposer's FIRE mark, or in the belief that Applicant or its FIREANGEL goods are in some way connected with, licensed or approved by Opposer, or that Applicant is a business partner of or otherwise affiliated with Opposer.

WHEREFORE, registration by Applicant of FIREANGEL for the goods stated in Application Serial No. 78/136,454 would be damaging to Opposer.

Opposer submits the requisite filing fee of \$300. Please debit any deficiency or credit any overpayment to Deposit Account No. 16-0650. Please address all correspondence to Raymond I. Geraldson, Jr., Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP, 311 South Wacker Drive, Suite 5000, Chicago, Illinois 60606.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /s/Andrew N. Downer/

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Attorneys for Opposer,
ATI Technologies ULC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Opposition was served upon Applicant, who is not represented by counsel, Roger E. Billings, P.O. Box 94, Gallatin, Missouri 64640-0094, by United States Mail, postage prepaid, this 27th day of February 2008.

/s/Andrew N. Downer/